

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date: September 17, 1992

Honorable	DAVID A. HOROWITZ	, Judge	S. ROBLES	, Deputy Clerk
		, Deputy Sheriff	B. CHARLINE HOWELL	, Reporter
2	C. AGUIRRE	, C. S. L.		, E/R Monitor

BC052395

(Parties and Counsel checked if present)

CHURCH OF SCIENTOLOGY, ETC

Counsel For LAUUIE J. BARTILSON (x)
Plaintiff

GERALD ARMSTRONG, ET AL

Counsel For PAUL MORANTZ (x)
Defendant

NATURE OF PROCEEDINGS:

MOTION OF PLAINTIFF AND CROSS-DEFENDANT CHURCH OF SCIENTOLOGY INTERNATIONAL TO STRIKE PORTIONS OF ANSWER AND CROSS-COMPLAINT;

Mot to strike Answer and Cross-Complaint GRANTED, w/ lv to amend w/i 20 days.

The Plaintiff has made a motion to strike portions of the Answer and the Cross-Complaint. The Motion is well taken in most respects. However, the Court is going further and striking the entire Answer and Cross-Complaint.

A complaint must contain "a statement of the facts constituting the cause of action in ordinary and concise language." CCP 425.10. The "facts" to be pleaded are those upon which liability depends. These are commonly referred to as "ultimate facts".

Both the Cross-Complaint and the Answer contain a myriad of long, rambling statements which are conclusionary, evidentiary, irrelevant, improper and unnecessarily inflammatory. There is no need for such pleading. Those statements should be deleted from the pleadings of this case.

The Court will allow the Defendant to file amended pleadings in this matter. The amended pleadings should state only "ultimate facts" which provide the basis for the cause of action stated of the answer or affirmative defense. The pleadings should not contain the evidence upon which the defendant hopes to prevail or which he intends to produce at trial. The pleadings should not contain emotional "final arguments" or conclusionary matters.

Mot to strike prayer for punitive damages GRANTED.

Plaintiff has failed to comply with CCP 425.14. There has been no court order allowing the claim for punitive damages to be filed.

Plaintiff shall give notice.

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